



# Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Thirtieth Meeting Day

Tuesday Afternoon

March 15, 2005


The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Huffman, First Presbyterian Church, Shelbyville, the guest of Representative Lucas Messer.

The Pledge of Allegiance to the Flag was led by Representative Robert K. Alderman.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 243: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 22

Representative Foley introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION honoring Steve Main.

*Whereas, Steve Main, who has been the voice for Habitat for Humanity in the Martinsville community for the past 15 years, is stepping down as executive director of the Morgan County Habitat for Humanity;*

*Whereas, During Steve Main's tenure, the Morgan County Habitat for Humanity has grown to 15 members and accomplished many things;*

*Whereas, Nineteen Habitat houses have been built, the first Habitat subdivision in the county has been completed, property in Paragon has been secured for future building projects, more than \$750,000 in grant fund money has been obtained, and a Habitat Home Store has been established to recycle used home products and furniture;*

*Whereas, In addition to the visible accomplishments Steve Main has helped bring about during his time with the Morgan County Habitat for Humanity, he is particularly proud of the cooperative relationships that have been developed with the other housing related agencies in the county;*

*Whereas, Steve Main firmly believes that, in addition to providing needy families with a place to live, Habitat for Humanity must also assist the families with home and money management;*

*Whereas, For this reason, Steve Main is a staunch supporter of the BRIDGE Education Program, which provides classes to teach families how to budget money, maintain a home and yard, and manage checking and savings accounts;*

*Whereas, Before coming to Habitat for Humanity, Steve Main was an orchestra and music teacher in Martinsville from 1971 to 1986 and at Carmel-Clay Schools from 1986 to 1998;*

*Whereas, Steve Main will continue to dedicate his time to people in need, but he would like to dedicate more of his time to church missions;*

*Whereas, Steve Main and his wife JoAnn attend the First Presbyterian Church in Bloomington and plan to become active in a senior citizens' home repair program the church is starting; and*

*Whereas, Steve Main's philosophy in life can be summed up by a sign he keeps on his desk stating: "It's amazing how much can be accomplished when nobody cares who gets the credit"; however, Steve Main deserves much of the credit for the accomplishments of the Morgan County Habitat for Humanity: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly express their gratitude to Steve Main for his many hours of dedicated service to the Martinsville community and Morgan County residents and wish him continuing success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Steve Main and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

**House Concurrent Resolution 23**

Representatives Leonard and Ruppel introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION to honor and congratulate Julianne Haines and Shannon Sleighter, of Whitko High School, South Whitley, Indiana, for competing in the 35th World School Children's Art Exhibition in the Republic of China, Taipei.

*Whereas, Julianne Haines and Shannon Sleighter, of Whitko High School, South Whitley, Indiana, competed in the 35th Annual World School Children's Art Exhibition held in the Republic of China, Taipei October 2nd through October 14th, 2004;*

*Whereas, In an effort to promote mutual understanding and friendship among the younger generations of the world, the Republic of China, Taipei sponsored the 35th international art contest;*

*Whereas, Parrish R. Kruger is the Principal of Whitko High School;*

*Whereas, Walter C. Malicki is the Art Teacher of Whitko High School;*

*Whereas, Julianne Haines and Shannon Sleighter are Whitko High School art students;*

*Whereas, Julianne Haines and Shannon Sleighter both received medals for their artwork in the Exhibition;*

*Whereas, Julianne Haines and Shannon Sleighter were two of only 51 students from the United States to receive medals in the Exhibition;*

*Whereas, Whitko High School was one of 11 schools representing the United States in the Exhibition;*

*Whereas, The United States was one among 48 countries represented in the Exhibition;*

*Whereas, Whitko High School art students have received 32 national and 97 international awards to date;*

*Whereas, Artistic expression is important for the students in the development of our society as a whole; and*

*Whereas, Julianne Haines and Shannon Sleighter have continued Whitko High School Art Department's award-winning tradition by winning medals in the 35th World School Children's Art Exhibition in the Republic of China, Taipei: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana House of Representatives does honor and congratulate Julianne Haines and Shannon Sleighter, of Whitko High School, South Whitley, Indiana, for competing in the 35th World School Children's Art Exhibition in the Republic of China, Taipei.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies to Julianne Haines, Shannon Sleighter, Principal Parrish R. Kruger, and Walter C. Malicki.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Dillon.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

## **ENGROSSED SENATE BILLS ON THIRD READING**

**Engrossed Senate Bill 18**

Representative Foley called down Engrossed Senate Bill 18 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 244: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 4:20 p.m. with the Speaker in the Chair.

With consent of the members, the House returned to reports from committees.

**REPORTS FROM COMMITTEES****COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 12, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 44, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

WOLKINS, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 56, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 52 with "[EFFECTIVE APRIL 15, 2005]".

Page 1, delete lines 7 through 9.

Page 1, line 10, delete "(1) (2)" and insert "(1)".

Page 1, line 10, delete "." and insert ",".

Page 1, line 11, reset in roman "who shall serve as".

Page 1, line 11, after "chairman" insert "**chair**".

Page 1, line 11, reset in roman "of the board".

Page 1, between lines 11 and 12, begin a new line block indented and insert:

**"(2) The deputy director of the division of preparedness and training of the department of homeland security. The deputy director shall serve as the vice chair of the board."**

Page 6, between lines 7 and 8, begin a new line block indented and insert:

**"(22) A member of a state or local emergency management agency."**

Page 8, line 13, strike "subdivision" and insert "**subsection**".

Page 10, between lines 24 and 25, begin a new line block indented and insert:

**"(7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack."**

Page 10, line 30, after "director" insert ", or the executive director's designee,".

Page 10, line 37, delete "The" and insert "**Except as provided in subsection (e) or (f), the**".

Page 11, between lines 3 and 4, begin a new paragraph and insert:

**"(e) The boiler and pressure vessel rules board established by IC 22-12-4-1 is the authority that adopts:**

(1) emergency rules under IC 22-13-2-8(c); and

(2) rules under IC 22-15-6.

(f) **The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7."**

Page 11, between lines 26 and 27, begin a new paragraph and insert:

**"Sec. 5. The executive director may adopt rules under IC 4-22-2 to establish continuing education requirements relating to any certifications issued by the division."**

Page 12, line 8, delete "Serve as secretary for" and insert **"Provide staff to support"**.

Page 12, between lines 13 and 14, begin a new paragraph and insert:

**"(c) The state fire marshal may delegate the state fire marshal's authority to the appropriate division staff."**

Page 12, between lines 15 and 16, begin a new paragraph and insert:

**"(b) An individual must be a design professional with not less than ten (10) years of experience in the building trades industry to be the building law compliance officer."**

Page 12, line 16, delete "(b)" and insert **"(c)"**.

Page 12, line 38, delete "his" and insert **"the speaker's"**.

Page 12, line 40, delete "his" and insert **"the president pro tempore's"**.

Page 15, line 35, delete "the following:" and insert **"any public safety or health services provider that the division determines will benefit from the training."**

Page 15, delete lines 36 through 42.

Page 16, delete line 1.

Page 26, line 13, delete "A commission member may".

Page 26, line 13, strike "serve a" and insert **"The"**.

Page 26, after "of" insert **"a commission member is"**.

Page 27, between lines 10 and 11, begin a new line block indented and insert:

**"(18) Energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:**

**(A) residential;**

**(B) single and multiple family dwelling; or**

**(C) commercial; building codes."**

Page 27, line 13, delete "(f)".

Page 27, line 13, strike "An appointed member of the commission may not serve more".

Page 27, strike lines 14 through 16, begin a new paragraph and insert:

**"SECTION 33. IC 22-12-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 5. The commission governor shall annually elect a chairperson from among its members; appoint a member of the commission to be the commission's chair."**

**(b) The member appointed by the governor serves as the commission's chair at the governor's pleasure."**

**SECTION 34. IC 22-12-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 6. (a) The commission shall meet at least quarterly.**

**(b) A quorum of the commission consists of ten (10) voting six (6) members. IC 4-21.5-3-3 applies to a commission action governed by IC 4-21.5. The commission may take other actions by an affirmative vote of:**

**(1) nine (9) members, if less than nineteen (19) voting members are present and voting on the action; or**

**(2) ten (10) members, if nineteen (19) members are present and voting on the action."**

**(c) In the case of a tie vote on an action of the commission, the deciding vote shall be cast by the:**

**(1) state fire marshal, in even-numbered years; or**

**(2) state building commissioner, in odd-numbered years."**

Page 27, line 32, after "state" insert **"division of fire and"**.

Page 27, line 32, delete "law compliance officer in" and insert **"safety of"**.

Page 27, between lines 34 and 35, begin a new paragraph and

insert:

**"SECTION 36. IC 22-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. As used in this chapter, "interested person" refers to a person that has a dispute with a county or a municipality regarding the interpretation of a building law or a fire safety law."**

Page 27, line 40, delete "." and insert **"or a fire safety law."**

Page 27, line 42, after "laws" insert **"and fire safety laws"**.

Page 28, line 4, after "law" insert **"or fire safety law"**.

Page 28, line 5, delete "." and insert **"or fire safety law."**

Page 28, line 8, after "law" insert **"or fire safety law"**.

Page 28, line 11, after "law" insert **"or fire safety law"**.

Page 28, line 13, after "law" insert **"or fire safety law"**.

Page 28, line 16, after "law" insert **"or fire safety law"**.

Page 28, line 20, after "law" insert **"or fire safety law"**.

Page 28, line 23, delete "." and insert **"or fire safety law."**

Page 28, line 25, after "law" insert **"or fire safety law"**.

Page 28, line 28, delete "." and insert **"or fire safety law."**

Page 28, between lines 32 and 33, begin a new paragraph and insert:

**"SECTION 40. IC 22-14-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.**

**(b) This section does not require a member of a fire department to be certified.**

**(c) The education board may:**

**(1) certify firefighting training and education programs that meet the standards set by the education board;**

**(2) certify fire department instructors who meet the qualifications set by the education board;**

**(3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;**

**(4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private institutions of higher education;**

**(5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;**

**(6) require fire service personnel certified at any instructor level to fulfill continuing education requirements in order to maintain certification;**

**(7) contract or cooperate with any person and adopt rules under IC 4-22-2 to carry out its responsibilities under this section; or**

**(8) grant a variance to a rule the education board has adopted.**

**SECTION 41. IC 22-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) This section applies to a provision of this article that requires an applicant for a certification, registration, permit, approval, or other license to:**

**(1) demonstrate that the person is in compliance with all building laws, fire safety laws, or equipment laws; or**

**(2) submit proof that a person is acting or will act in conformity with all building laws, fire safety laws, or equipment laws.**

**(b) Compliance with the conditions of a variance issued under IC 22-13-2-11 shall be treated under this article as compliance with the building law, fire safety law, or equipment law from which the variance is granted."**

Page 28, between lines 36 and 37, begin a new paragraph and insert:

**"SECTION 43. IC 22-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The office building law compliance officer employed under IC 10-19-7-4 shall issue a design release for:**

**(1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and**

**(2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.**

**(b) The office may not issue a design release until the plans and specifications submitted with the application have been:**

**(1) presented to the office of the state fire marshal by the office; and**

**(2) approved in writing by the office of the state fire marshal.**

**(c) A meeting between the executive director of the department,**

the state building commissioner, and the state fire marshal may be called by the executive director:

- (1) upon request of the state building commissioner or the state fire marshal, if the state building commissioner and the state fire marshal cannot agree on the issuance of a design release; or
- (2) upon request of the applicant for the design release, if the office and the office of the state fire marshal have not acted to issue or deny the design release within a reasonable time after the application is submitted to the office.

(d) At a meeting called under subsection (c), the executive director of the department, the state building commissioner, and the state fire marshal shall review the application for a design release and shall, by majority vote, issue a final decision:

(e) Subject to subsection (b), (b) The office building law compliance officer may issue a design release based on a plan review performed by a city, town, or county if:

- (1) the state building commissioner law compliance officer has certified that the city, town, or county is competent; and
- (2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

(f) (c) For the purposes of subsection (e)(1), competency must be established by a test approved by the commission and administered by the division of education and information.

(g) (d) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

SECTION 44. IC 22-15-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. To qualify for a design release under this section, an applicant must:

- (1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and fire safety laws;
- (2) pay the fees set under IC 22-12-6-6;
- (3) have the plans and specifications:
  - (A) prepared by a registered architect or professional engineer who is:
    - (i) competent to design the construction covered by the application as determined by the office; and
    - (ii) registered under IC 25-4 or IC 25-31;
  - (B) include on each page of all drawings and the title page of all specifications the seal of the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
  - (C) filed by the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
- (4) submit a certificate prepared on a form provided by the office and sworn or affirmed under penalty of perjury by the registered architect or professional engineer described in subdivision (3)(A):

- (A) providing an estimate of the cost of the construction covered by the application, its square footage, and any other information required under the rules of the commission;
- (B) stating that the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement;
- (C) stating that the plans and specifications submitted for the application provide for construction that will meet all building laws; and
- (D) stating that the construction covered by the application will be subject to inspection at intervals appropriate to the stage of the construction by a registered architect or professional engineer identified in the statement for the purpose of determining in general if work is proceeding in accordance with the released plans and specifications.

SECTION 45. IC 22-15-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) This section applies only to an application for a design release to construct:

- (1) A Class 1 structure with thirty thousand (30,000) or fewer cubic feet of space;
- (2) An addition to a Class 1 structure, if the addition adds thirty thousand (30,000) or fewer cubic feet of space;
- (3) An alteration to a Class 1 structure, if the alteration does not

involve changes affecting the structural safety of the Class 1 structure; or

- (4) An installation or alteration of an automatic fire sprinkler system in a Class 1 structure by persons qualified pursuant to rules set forth by the fire prevention and building safety commission.

(b) To qualify for a design release under this section, an applicant must do the following:

- (1) Demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and fire safety laws.
- (2) Pay the fees set under IC 22-12-6-6.

SECTION 46. IC 22-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) This section applies to a design release for the fabrication of a model or other series of similar industrialized building systems or mobile structures.

(b) To qualify for a design release under this section, an applicant must:

- (1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and fire safety laws;
- (2) have the submitted plans and specifications prepared by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, if required under the rules adopted by the commission; and
- (3) pay the fees set under IC 22-12-6-6.

SECTION 47. IC 22-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The office shall certify an industrialized building system for use in Indiana to an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the office shall provide the applicant with a seal for the certified industrial building system.

(b) To qualify for a certification under this section, an applicant must:

- (1) submit proof that the office has issued a design release under IC 22-15-3 for the model or series of industrialized building systems being constructed;
- (2) demonstrate, in an in-plant inspection, that the industrialized building system covered by the application has been constructed in conformity with all applicable building laws and fire safety laws; and
- (3) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to an industrialized building system certified under this section.

SECTION 48. IC 22-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) The office shall certify a mobile structure for sale and use in Indiana for an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the office shall provide the applicant with a seal for the certified mobile structure.

(b) To qualify for certification under this section, an applicant must:

- (1) submit proof that the office has issued a design release under IC 22-15-3 for the model or series of mobile structures being constructed;
- (2) demonstrate, in an in-plant inspection, that the mobile structure covered by the application has been constructed in conformity with all applicable building laws and fire safety laws;
- (3) certify in an affidavit that a seal provided by the office will not be attached to a mobile structure that does not conform to the requirements adopted by the commission in its rules; and
- (4) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to a mobile structure certified under this chapter.

SECTION 49. IC 36-7-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 9. Each unit shall require compliance with:

- (1) the code of building laws and fire safety laws that is adopted in the rules of the fire prevention and building safety commission under IC 22-13;

- (2) orders issued under IC 22-13-2-11 that grant a variance to the code of building laws **and fire safety laws** described in subdivision (1);
- (3) orders issued under IC 22-12-7 that apply the code of building laws described in subdivision (1);
- (4) IC 22-15-3-7; and
- (5) a written interpretation of a building law **and fire safety law** binding on the unit under IC 22-13-5-3 or IC 22-13-5-4."

Page 29, line 23, delete "May" and insert "**April**".

Page 29, line 42, delete "May" and insert "**April**".

Page 30, line 2, delete "May" and insert "**April**".

Page 30, line 5, delete "May" and insert "**April**".

Page 30, line 10, delete "May" and insert "**April**".

Page 30, line 11, delete "May" and insert "**April**".

Page 30, line 12, delete "May" and insert "**April**".

Page 30, line 22, delete "May" and insert "**April**".

Page 30, line 31, delete "May" and insert "**April**".

Page 30, line 35, delete "May" and insert "**April**".

Page 30, line 37, delete "May" and insert "**April**".

Page 30, line 40, delete "May" and insert "**April**".

Page 31, line 2, delete "May 15" and insert "**April 15**".

Page 31, line 2, delete "on May" and insert "**on April**".

Page 31, line 3, delete "May" and insert "**April**".

Page 31, line 10, delete "May" and insert "**April**".

Page 31, line 18, delete "May" and insert "**April**".

Page 31, line 30, delete "May" and insert "**April**".

Page 31, line 32, delete "May" and insert "**April**".

Page 31, line 34, delete "May" and insert "**April**".

Page 31, line 38, delete "before May" and insert "**before April**".

Page 31, line 38, delete "on May" and insert "**on April**".

Page 31, line 39, delete "May" and insert "**April**".

Page 32, line 7, delete "May" and insert "**April**".

Page 32, line 19, delete "May" and insert "**April**".

Page 32, line 35, delete "May" and insert "**April**".

Page 32, line 37, delete "May" and insert "**April**".

Page 32, line 40, delete "May" and insert "**April**".

Page 33, line 2, delete "May" and insert "**April**".

Page 33, line 3, delete "May" and insert "**April**".

Page 33, line 4, delete "May" and insert "**April**".

Page 33, line 14, delete "May" and insert "**April**".

Page 33, line 21, delete "May" and insert "**April**".

Page 33, line 26, delete "May" and insert "**April**".

Page 33, line 28, delete "May" and insert "**April**".

Page 33, line 30, delete "May" and insert "**April**".

Page 33, line 35, delete "May 15, 2005, that" and insert "**April 15, 2005, that**".

Page 33, line 35, delete "on May" and insert "**on April**".

Page 33, line 37, delete "May" and insert "**April**".

Page 34, line 5, delete "May" and insert "**April**".

Page 34, line 15, delete "May" and insert "**April**".

Page 34, line 16, delete "May" and insert "**April**".

Renumber all SECTIONS consecutively.

(Reference is to SB 56 as printed February 25, 2005.)  
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RUPPEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 223, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Page 2, line 7, after "(8)" insert "**for a permit or license issued after June 30, 2006, and before July 1, 2011,**".

Page 2, line 13, after "licensee." insert "**The permittee or licensee is responsible for the accuracy of the blood type information submitted under subdivision (8).**".

Page 3, line 18, delete "If" and insert "**For an identification card issued after June 30, 2006, and before July 1, 2011, if**".

Page 3, line 20, after "factor." insert "**The individual to whom the card is issued is responsible for the accuracy of the blood type information.**".

(Reference is to SB 223 as printed January 28, 2005.)  
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

DUNCAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 225, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BECKER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 484, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 569, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 22, after "(a)." insert "**An entity that is subject to a guideline adopted under subsection (a) shall comply with the guideline.**".

(Reference is to SB 569 as reprinted February 4, 2005.)  
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 572, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BECKER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 619, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "." and insert "**, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.**".

Page 2, line 10, delete "." and insert "**, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.**".

(Reference is to SB 619 as printed February 2, 2005.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WOLKINS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 620, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

WOLKINS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Joint Resolution 7, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 3.

FOLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Elections and Apportionment, which met on March 10, 2005, to consider Senate Bill 483, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 38.

Page 7, line 8, delete "(a) This section".

Page 7, delete lines 9 through 10.

Page 7, line 11, delete "(b)".

Page 7, run in lines 8 through 11.

Page 7, delete lines 13 through 42.

Delete pages 8 through 11, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "committee" refers to the interim study committee on voter identification established by this SECTION.

(b) The interim study committee on voter identification is established. The committee shall study all aspects of the question of requiring voters to provide identification at the polls.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires November 1, 2005."

Renumber all SECTIONS consecutively.

(Reference is to SB 483 as reprinted February 22, 2005.)  
and when so amended that said bill do pass.

MAHERN

The question was, Shall the minority report be substituted for the majority report? Upon request of Representatives Mahern and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 245: yeas 46, nays 49. The minority report was not substituted for the majority report.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 483, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "of".

Page 2, line 2, delete "A" and insert "Except as provided in subsection (e), a".

Page 2, line 3, after "identification" insert ".".

Page 2, line 3, delete "(as".

Page 2, delete line 4.

Page 2, line 5, delete "Before" and insert "Except as provided in subsection (e), before".

Page 2, between lines 20 and 21, begin a new paragraph and insert: "(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election."

Page 2, line 22, delete "A" and insert "Except as provided in subsection (e), a".

Page 2, line 24, after "identification" insert ".".

Page 2, line 24, delete "(as defined in IC 3-5-2-40.5)".

Page 2, line 25, delete "Before" and insert "Except as provided in subsection (e), before".

Page 2, between lines 40 and 41, begin a new paragraph and insert: "(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election."

Page 2, line 41, delete "(e)" and insert "(f)".

Page 3, line 8, delete "(f)" and insert "(g)".

Page 3, line 16, delete "(g)" and insert "(h)".

Page 3, line 26, delete "(h)" and insert "(i)".

Page 3, line 27, delete "(h)" and insert "(i)".

Page 3, line 37, delete "(i)" and insert "(j)".

Page 3, line 38, delete "(h)," and insert "(i)".

Page 4, line 1, delete "(j)" and insert "(k)".

Page 4, line 2, delete "(h)" and insert "(i)".

Page 4, line 6, delete "(k)" and insert "(l)".

Page 4, line 10, delete "(l)" and insert "(m)".

Page 4, line 24, delete "(m)" and insert "(n)".

Page 4, line 24, delete "(l):" and insert "(m):".

Page 4, line 30, delete "(n)" and insert "(o)".

Page 4, line 34, delete "A" and insert "Except as provided in subsection (f), a".

Page 4, line 35, after "identification" insert ".".

Page 4, line 35, delete "(as defined in IC 3-5-2-40.5)".

Page 4, line 36, delete "Before" and insert "Except as provided in subsection (f), before".

Page 5, between lines 9 and 10, begin a new paragraph and insert: "(f) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election."

Page 5, line 10, delete "(f)" and insert "(g)".

Page 5, line 18, delete "(j)," and insert "(l)".

Page 5, line 20, delete "(g)" and insert "(h)".

Page 5, between lines 27 and 28, begin a new paragraph and insert: "(i) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification."

Page 5, line 28, delete "(h)" and insert "(j)".

Page 5, line 36, delete "(i)" and insert "(k)".

Page 5, line 36, delete "(g):" and insert "(h):".

Page 5, line 42, delete "(j)" and insert "(l)".

Page 7, line 26, after "procedure" insert "under this section".

Page 7, line 29, after "identification" insert ".".

Page 7, line 29, delete "(as defined in IC 3-5-2-40.5)".

Page 8, line 1, after "identification" insert ".".

Page 8, line 1, delete "(as defined in IC 3-5-2-40.5)".

Page 8, line 15, delete "3-5-4-8." and insert "3-6-4.1-14".

Page 8, line 19, after "identification" insert ".".

Page 8, line 19, delete "under IC 3-5-2-40.5".

Page 9, line 31, after "identification" insert ";".

Page 9, line 31, delete "as defined by IC 3-5-2-40.5";.

Page 9, line 38, delete "(as defined in".

Page 9, line 39, delete "IC 3-5-2-40.5)".

Page 10, line 31, delete ":" and insert "the provisional ballot be:".

Page 10, line 32, delete "the provisional ballot be".

Page 10, line 38, after "identification" insert ",".

Page 10, line 38, delete "(as defined in IC 3-5-2-40.5)".

Page 11, after line 25, begin a new paragraph and insert:

"SECTION 15. IC 9-24-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. **However, the bureau may not impose a fee for the issuance of:**

- (1) an original;
- (2) a renewal of an; or
- (3) a duplicate;

**identification card.**

SECTION 16. IC 9-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, and IC 9-24-14 and ~~IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991)~~ shall be deposited daily with the treasurer of state and credited to the highway, road and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3  
IC 9-29-5  
IC 9-29-9-1  
IC 9-29-9-2  
IC 9-29-9-3  
IC 9-29-9-4  
IC 9-29-9-5  
IC 9-29-9-6  
IC 9-29-9-7  
IC 9-29-9-8  
IC 9-29-9-9  
IC 9-29-9-10  
IC 9-29-9-11  
IC 9-29-9-13  
IC 9-29-9-14  
IC 9-29-15-1  
IC 9-29-15-2  
IC 9-29-15-3  
IC 9-29-15-4.

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

SECTION 17. IC 9-29-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) Except as provided in subsections (b) and (c) or as otherwise provided in this chapter, the service charges collected under this chapter shall be deposited in the state license branch fund established under IC 9-29-14.

(b) Before July 1, 2019, one dollar and twenty-five cents (\$1.25) of each service charge increase established by a rule adopted under section 19 of this chapter before January 1, 2002, for services described in sections 4, 6, 7, 8, 9, 10, 11, 12, ~~14~~, and 18 of this chapter shall be deposited in the integrated public safety communications fund established by IC 5-26-4-1. After June 30, 2019, the amount described in this subsection shall be deposited in the state license branch fund as provided in subsection (a).

(c) Before July 1, 2019, one dollar and twenty-five cents (\$1.25) of each service charge established by a rule adopted under section 19 of this chapter before January 1, 2002, for services described in IC 9-29-15-1 shall be deposited in the integrated public safety communications fund established by IC 5-26-4-1. After June 30, 2019, the amount described in this subsection shall be deposited in

the state license branch fund as provided in subsection (a).

SECTION 18. IC 9-29-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The fund consists of the following:

(1) Fifty cents (\$0.50) of each service charge or fee collected by license branches under the following:

- (A) IC 9-29-3-4.
- (B) IC 9-29-3-6.
- (C) IC 9-29-3-7.
- (D) IC 9-29-3-8.
- (E) IC 9-29-3-9.
- (F) IC 9-29-3-10.
- (G) IC 9-29-3-11.
- (H) IC 9-29-3-12.
- ~~(I) IC 9-29-3-14.~~
- ~~(J) IC 9-29-3-18.~~
- ~~(K) IC 9-29-15-1.~~
- ~~(L) IC 9-29-15-4.~~

(2) Money deposited with the approval of the budget agency in the fund from any part of:

- (A) a service fee established under IC 9-29-3-19; or
- (B) an increase of a service fee increased under IC 9-29-3-19.

(3) Money received from any other source, including appropriations.

SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 9-29-3-14; IC 9-29-9-15.

SECTION 20. [EFFECTIVE JULY 1, 2005] (a) **It is the intent of the general assembly that no fee or charge be imposed for the issuance of:**

- (1) an original;
- (2) a renewal of an; or
- (3) a duplicate;

**identification card.**

(b) **140 IAC 8-3-20 is void. The publisher of the Indiana Administrative Code and the Indiana Register shall remove this section from the Indiana Administrative Code."**

Renumber all SECTIONS consecutively.

(Reference is to SB 483 as reprinted February 22, 2005.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

THOMAS, Chair

The question then was on the majority report. Upon request of Representatives Stilwell and Mahern, the Speaker ordered the roll of the House to be called. Roll Call 246: yeas 50, nays 46. Report adopted.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Reassignments

The Speaker announced the reassignment of Engrossed Senate Bill 568 from the Committee on Public Health to the Committee on Public Policy and Veterans Affairs.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1262, 1288, and 1314 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 21, 22, and 23 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 17, 2005 at 1:30 p.m.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Woodruff, J. Smith, Alderman, Ayres, Becker, Behning, Borders, Bosma, Bright, T. Brown, Buck, Budak, Buell, Burton, Cherry, Davis, Dodge, Duncan, Espich, Foley, Friend, Frizzell, Gutwein, T. Harris, Heim, Hinkle, Hoffman, Koch, Lehe, Leonard, J. Lutz, McClain, Messer, Murphy, Neese, Noe, Pond, Richardson, Ripley, Ruppel, Saunders, Stutzman, Thomas, Thompson, Torr, Ulmer, Walorski, Whetstone, Wolkins, and Yount be added as cosponsors of Engrossed Senate Bill 1.

TURNER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pond be added as cosponsor of Engrossed Senate Bill 2.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pond be added as cosponsor of Engrossed Senate Bill 8.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bosma, C. Brown, and J. Smith be added as cosponsors of Engrossed Senate Bill 18.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres and Lehe be added as cosponsors of Engrossed Senate Bill 30.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davis, Buell, and Murphy be added as cosponsors of Engrossed Senate Bill 77.

HINKLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Burton, Hinkle, and Saunders be added as cosponsors of Engrossed Senate Bill 348.

HOFFMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as cosponsor of Engrossed Senate Bill 373.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Borders and Davis be added as cosponsors of Engrossed Senate Bill 378.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch, Walorski, and Becker be added as cosponsors of Engrossed Senate Bill 420.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as cosponsor of Engrossed Senate Bill 444.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McClain and Thompson be added as cosponsors of Engrossed Senate Bill 460.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heim and T. Brown be removed as sponsor and cosponsor of Engrossed Senate Bill 483, that Representative T. Brown be substituted as sponsor, and Representative Heim be added as cosponsor.

HEIM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Harris and Bright be added as cosponsors of Engrossed Senate Bill 484.

ALDERMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buck and Thomas be added as cosponsors of Engrossed Senate Bill 533.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as cosponsor of Engrossed Senate Bill 568.

J. LUTZ

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative T. Adams, the House adjourned at 5:25 p.m., this fifteenth day of March, 2005, until Thursday, March 17, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives